

REMARKS

1. This paper is responsive to the Office Action mailed April 25, 2002.

Reconsideration and further examination is respectfully requested.

2. In brief, the present invention is a test probe incorporating a control device.

3. Claims 1-38 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated

by Pankove et al (US 4,114,095). The Examiner contended that Pankove

discloses, "A probe tip (16) mechanically coupled to probe body (12), wherein

probe tip (16) is capable of being electrically coupled to a test instrument

(throughout core 14)." Applicant has amended independent claims 1, 13, and 25

to clarify that applicant's invention includes the non-permanent coupling to an

external test instrument, in particular, capable of being non-permanently

electrically coupled to an external test instrument. This is distinguished from

Pankove's permanent electrical connection within a self-contained test instrument.

Thus, applicant believes that claims 1, 13, and 25 are now allowable.

4. The Examiner later in the same paragraph states that Pankove discloses, "A

communication port (14) mechanically coupled to probe body (12)..." However,

applicant respectfully disagrees. Reference character "14" shown in Pankove

appears to be a power cord and not a communication port. Applicant is unable to

find anywhere in Pankove's patent that a communication port claimed, taught, or

suggested.

Pankove's invention is a self-contained oscilloscope. His device does not include the capability of being non-permanently electrically coupled to an external test instrument, since it is itself a test instrument. Applicant is unable to find
5 anywhere that Pankove claims, teaches, or suggests non-permanently electrically coupling his probe tip to an external test instrument as is claimed in applicant's application.

According to the MPEP § 706.02, "for anticipation under 35 U.S.C. 102, the
10 reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." Applicant respectfully claims that the Examiner has failed to point out where Pankove teaches "a probe tip ... capable of being non-permanently electrically coupled to an external test instrument," or "a control device ... capable of being non-
15 permanently electrically coupled to [a] test instrument," or "a communication port," or "a cable electrically coupled to [a] probe tip ... non-permanently electrically and mechanically coupled to an external electrical test instrument." These limitations are present in claims 1, 13, and 25 which applicant believes are now in a condition for allowance.

20 Since the Examiner has failed to show anticipation of the present invention by Pankove, Applicant believes that claims 1, 13, and 25 are allowable as amended and respectfully requests reconsideration and allowance.

Further, since claims 2 – 11 are dependent on claim 1, claims 14 – 24 are dependent on claim 13, and claims 26 – 38 are dependent on claim 25, all of the limitations of claims 1, 13, and 25 are included in claims 2 – 11, 14 – 24, and 26 – 38. Applicant respectfully suggests that since the Examiner has failed to establish
5 anticipation of claims 1, 13, and 25, no anticipation has been established for the dependent claims and all of these dependent claims are now in a condition for allowance.

5. For these reasons, this application is considered to be in condition for allowance
10 and such action is earnestly solicited.

15 Respectfully submitted,

by 

20 Leslie P. Gehman

Reg. No. 45,624

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Fort Collins, CO 80528-9599

25 (970) 898-3642

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

5 Claims 1, 13, and 25 have been amended as follows:

1. (amended) An electrical test probe comprising:

a probe body;

a probe tip mechanically coupled to said probe body, wherein said probe tip is

capable of being non-permanently electrically coupled to an external test

10 instrument; and

a control device mechanically coupled to said probe body, wherein said

control device is capable of being non-permanently electrically coupled to

said test instrument.

13. (amended) An electrical test probe comprising:

15 a probe body;

a probe tip mechanically coupled to said probe body;

a control device mechanically coupled to said probe body; and

a communication port mechanically coupled to said probe body, and

electrically coupled to said control device and said probe tip, wherein said

20 communication port is capable of being non-permanently electrically

coupled to an external electrical test instrument.

25. (amended) An electrical test probe comprising:

a probe body;

a probe tip mechanically coupled to said probe body;

a cable electrically coupled to said probe tip, mechanically coupled to said
probe body, and non-permanently electrically and mechanically coupled to
an external electrical test instrument; and
a control device mechanically coupled to said probe body and electrically
coupled to said cable, wherein said control device, when activated,
activates a function of said test instrument.